

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

|    |                                  |   |                                  |
|----|----------------------------------|---|----------------------------------|
| 11 | RIGOBERTO M. ANGUIANO,           | ) | Civil No. 13-cv-1035-L(BLM)      |
| 12 | Plaintiff,                       | ) |                                  |
| 13 | v.                               | ) | <b>ORDER GRANTING UNOPPOSED</b>  |
| 14 | BANK OF AMERICA, <i>et al.</i> , | ) | <b>MOTION TO DISMISS WITHOUT</b> |
| 15 | Defendants.                      | ) | <b>PREJUDICE [DOC. 8]</b>        |

On May 1, 2013, Plaintiff filed the instant Complaint. (Doc. 1.) On September 5, 2013, Defendants filed a Motion to Dismiss this action in its entirety. (*MTD* [Doc. 8].) On September 6, 2013, the Court issued a scheduling order which required Plaintiff to respond to the Motion to Dismiss on November 1, 2013. (*Scheduling Order* [Doc. 9].) Plaintiff has not opposed the motion as of the date of this order.

Civil Local Rule 7.1(f.3.c) provides that “[i]f an opposing party fails to file papers in the manner required by Local Rule 7.1.e.2, that failure may constitute a consent to the granting of that motion or other ruling by the court.” The Ninth Circuit has held that a district court may properly grant a motion to dismiss for failure to respond. *See generally Ghazali v. Moran*, 46 F.3d 52, 52 (9th Cir. 1995) (per curiam) (affirming dismissal for failure to file timely opposition papers where plaintiff had notice of the motion and ample time to respond).

Therefore, relying on Civil Local Rule 7.1(f.3.c), the Court deems Plaintiff’s failure to

adequately oppose Defendants' motion as consent to granting it. In light of the foregoing, the Court **GRANTS** Defendants' motion to dismiss **WITHOUT PREJUDICE**. (Doc. 8.)

**IT IS SO ORDERED.**

DATED: December 3, 2013

  
M. James Lorenz  
United States District Court Judge